

RESOLUTION NO. 12 94

SOARING EAGLE COUNTY ROAD IMPROVEMENT DISTRICT
NAVAJO COUNTY, ARIZONA

**RESOLUTION CONFIRMING ASSESSMENT AND APPROVING
AND RATIFYING ALL PROCEEDINGS; AND AUTHORIZING
THE SUPERINTENDENT OF STREETS TO CERTIFY THE ASSESSMENT ROLL**

WHEREAS, on July 12, 1993, the Board of Directors of the Soaring Eagle County Road Improvement District (the "District") adopted a Resolution of Intention to construct certain improvements within the District; and

WHEREAS, on January 18, 1994, the Board of Directors of the District adopted a Resolution which, among other things, is a Resolution Approving the Diagram; and

WHEREAS, on January 18, 1994, the Board of Directors of the District adopted a Resolution which, among other things, acknowledges and approves the Recording of the Assessment; and

WHEREAS, a Notice of Assessment has been published and mailed to the property owners of record within the area to be assessed in accordance with Arizona Revised Statutes Section 48-928, as amended; and

WHEREAS, the Board of Directors of the District held a hearing on February 22, 1994, to hear any objections to the assessments in the District; and

WHEREAS, the Board of Directors of the District has heard any and all objections by any owner, the contractor and all other persons interested in the work or in the assessment who have any objections to the legality of the assessment or to any of the previous proceedings connected therewith, and hereby determines that any objections received were not sufficient to affect the legality of any proceedings of the District; and

WHEREAS all lawful proceedings prior to the issuance and sale of Bonds of the District have been completed or are being completed; and

WHEREAS, pursuant to Arizona Revised Statutes Section 48-935, the Board may sell the Bonds at a public or private sale; and

WHEREAS, the Superintendent of Streets prepared an Assessment; and

WHEREAS, the time period allowed by statute for property owners to payoff the Assessment for their parcel of property in cash will expire on February 28, 1994; and

WHEREAS, the Board of Directors is desirous of having the Superintendent of Streets certify the unpaid Assessments, after February 28, 1994.

THEREFORE, BE IT RESOLVED THAT:

1. The Board of Directors of the District hereby confirms the diagram and assessment as heretofore recorded;
2. The Board of Directors of the District hereby approves, ratifies, confirms and validates all proceedings in this matter heretofore taken.
3. The annual assessment installments are to be collected in the same manner prescribed by Arizona Revised Statutes Section 48-938.
4. In confirming said assessment the Board of Directors has reaffirmed its position set forth earlier in these proceedings in the Resolution forming said District and the Resolution of Intention to Order the Improvements that each parcel set forth in the assessment will be benefitted by the improvements to be constructed.
5. The assessment so confirmed includes the sum due for the work performed and specified in the Contract and incidental expenses of said work and assessment.
6. The Board of Directors of the District hereby authorizes the Superintendent of Streets to certify the unpaid Assessments for the District upon the conclusion of the prepayment period.

DATED this 22nd day of February, 1994.

BOARD OF DIRECTORS
SOARING EAGLE COUNTY ROAD
IMPROVEMENT DISTRICT

Melvin F. Gillespie
Chairman

ATTEST:

Sharon A. Spens-Wright
Clerk

APPROVED AS TO FORM:

John G. Gliege, esq.

CONFIRMAS. RES/SOARING